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LIHUE, KAUAI, TERRITORY OF HAWAII, TUESDAY, JULY 4, 1916

SUBSCRIPTION RATES, \$2.50 PER YEAR 5 CENTS PER COPY

THE PROGRAM COMPLETE FOR THE GLORIOUS FOURTH

Full Regiment of Troops, Governor And Officers From Honolulu And Throngs of People From all Parts of Kauai Expected at Lihue Park to Participate In And Witness the Big Events of the Day.

All is in readiness for the big celebration of July Fourth. The Governor, General Johnson, Major Dougherty, Colonel Lincoln and Captain Judd form the official party from Honolulu, and Captain Larrison joins them here.

A part of the grand stand has been reserved for special guests and ladies, admission to which will be by card. The remainder of the grand stand will be open to the public, while an extensive system of bleachers has been erected for the overflow. The Governor and his party will occupy a special reviewing pavilion on the grounds.

A strip of ground along the county building side of the park has been staked off for auto parties securing reserved positions. Other automobiles will be parked on the county lot.

The program presented below will be followed. After the literary exercises Governor Pinkham and party will adjourn to the home of Colonel Broadbent for luncheon, returning immediately after.

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EDUCATION DEPARTMENT REPLIES IN BROWN CASE

The Department of Education, by Superintendent Kinney, has replied as follows to the special committee of the Chamber of Commerce in the Brown case:

June 24, 1916.

Mr. T. Brandt,
Chairman, Education Committee,
Kauai Chamber of Commerce,
Waimea, Kauai.

Dear Sir:

I beg to acknowledge the receipt of yours of June 16th, by which you ask, in behalf of the Kauai Chamber of Commerce, for the reasons which actuated the Department of Public Instruction in failing to appoint Mr. and Mrs. H. C. Brown to any positions for the coming school year. In this connection I beg to state that as no request for any information in this respect has been received by this Department from the parties concerned, I might question the propriety of giving out such matters to others first. I understand, however, that you act largely in the interests of Mr. and Mrs. H. C. Brown, and with this assumption in mind, I shall be glad to use the opportunity afforded by the Chamber of Commerce to clear up some of the misunderstandings which quite apparently exist on Kauai in regard to the action of the Department.

The Department decided not to reappoint Mr. and Mrs. Brown for the reason that they have been the cause of trouble on various occasions and appeared ready to continue in this attitude. The Department is not opposed to criticism from teachers—as a matter of fact, it invites constructive criticism, which assists it in many ways—but it does insist on obedience to its rules which, under the statute, have the force and effort of law. It has insisted that Mr. and Mrs. Brown should obey the rules, and when they did not do so, in spite of the fact that they had been warned that they must so obey or leave the service, the Department took action.

I refer to the generally troublesome attitude of Mr. and Mrs. Brown towards officials including the Supervising Principal, Vocational Instructor, Inspector General, and Superintendent, as well as, so I am informed, the District Magistrate and the Deputy Sheriff,

and also towards some efficient teachers who were forced to leave the service on account thereof. I shall now refer to specific violations of the rules.

The Department requires teachers to be familiar with the School Laws, and in this connection to be examined from time to time, orally or in writing, on the subject. Last fall, Mrs. Brown refused to submit to such examination by the supervising principal. She was informed that she must take it, but refused to do so. In January, I informed Mrs. Brown personally that she must take the examination. She refused to do so and I told her in absolutely specific terms that she must take it or leave the service of the Department. A few minutes later Mrs. Brown came to me and said she would take the examination. When the time came for the test, Mrs. Brown again refused to take it, but, changing her mind again apparently, wrote out some of the answers, but ended her paper as follows: "School in session no time to complete this farce." It is obvious, under the circumstances, that the Department was amply justified in declining to appoint Mrs. Brown. As a matter of fact, it was very lenient when it did not discharge her forthwith on grounds of insubordination under the provisions of paragraph 9, on page 23 of the Rules and Regulations, which gives insubordination as a cause for dismissal. This was a most flagrant case of continued and deliberate insubordination, and it is evident that no discipline could be kept in the Department were the rules not enforced.

Last fall, I informed Mr. Brown, in answer to an inquiry on his part, that the pupils who passed examinations in June were entitled to promotion into the next grade, but in spite of this the reports show that in a number of cases, the instructions of my letter were disregarded. I may add that when I visited Waimea last January, I told Mr. Brown that the examination rules must be followed to the letter and there can be no misunderstanding on this point as para-

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Mr. and Mrs. E. A. Knudsen were passengers in the Kinau Friday afternoon for Honolulu.

BUSINESS TRANSACTED BY CHAMBER OF COMMERCE

A special meeting of the Kauai Chamber of Commerce was held in the court house at Lihue at 3 p. m. Saturday, there being present besides the President and Secretary the following members: Rev. H. Isenberg, H. Rohrig, L. A. Dickey, H. D. Wishard, S. W. Wilcox, C. H. Wilcox, E. H. W. Broadbent, W. N. Stewart, A. G. Kaulukou, T. Brandt, D. W. Dean, Dr. Hofmann and C. B. Morse.

The minutes of the previous regular meeting were read and, after a slight amendment, were approved.

President Avery stated the objects of the special meeting to be to hear the report of the Education Committee on its investigation of the Brown case, and called upon Chairman T. Brandt, of that committee, for the same.

Mr. Brandt read the report of the committee, as follows:

"In accordance with instructions in resolution passed at the meeting of the Kauai Chamber of Commerce held on June 15th, your Committee on Education has investigated the matter of failure of the Department of Public Instruction to reappoint Mr. H. C. Brown and Mrs. Brown to their present positions as principal and assistant respectively in the Waimea School or to any other position under the Department for the ensuing year.

"Your Committee has, in addition to inquiring of the Department for the reason actuating it in dismissing Mr. and Mrs. Brown from its service, or as it puts it failing to reappoint them, which we find to be synonymous expressions so far as the effect on the Brown's is concerned, also inquired into the matter of their failure to get along harmoniously in the community where they are located. As to this we find a great difference of opinion. While there undoubtedly is some friction it by no means was or is of an extent that would justify the Department in taking great cognizance thereof and far less consider it as a valid reason for any drastic measures.

"The Browns are known as persons of strong characters, intensely interested in their school work and uncompromising to a great extent in all matters that they consider to be questions of vital importance to the school, thereby causing a certain amount of hostility. A feeling, however, which has shown itself often to be temporary and eventually replaced by a sense of approbation and acknowledgement of their attitude as having been to the benefit of all concerned.

"As to the apparently and seemingly more serious charges of disobedience and insubordination we find that the Department particularly has in mind an instance where Mr. Brown was concerned and one where Mrs. Brown was the offending party.

"The charge against Mr. Brown is that he last fall disregarded the Department's instructions contained in a letter sent him in answer to his, Mr. Brown's, question in regard to the promotion of pupils. Mr. Brown is charged with not having promoted pupils who were entitled to it, and comparing the attitude of the Superintendent of Public Instruction in regard thereto now, and as expressed in his letter of October 12th it is strikingly peculiar. We shall quote a few lines therefrom:

Mr. Henry C. Brown,
Principal, Waimea School,
Waimea, Kauai.

Dear Sir:

The main purpose of Rule 24, on page 23 of the Course of Study, is to prevent the advancing of pupils who were not fully prepared to take up the work of a higher grade. The wish on the part of the principals to hold back certain pupils who passed the examinations is quite exceptional and does, I am sure, credit to yourself. As a matter of fact, it shows that your desire is exactly that of the Department, namely, to prevent the advancement of pupils in the grades for which they are not fitted; a practice which, as you know, has been exceedingly common.

As I stated, your case is almost a unique one and was, I feel certain, not considered to any extent when the rule mentioned was framed. I think, however, that it will be well, in this respect, to follow the practice which has been followed with regard to the eighth grade examinations as entrance examinations in the High Schools. In this case, pupils obtaining eighth grade diplomas are entitled to admission to the High Schools but are allowed to remain there only in case they show themselves qualified to do the work. In other words, the passing of the examination entitles a pupil to promotion into a higher grade, but does not entitle him to remain there in case his work shows that he is not up to grade.

"This can certainly not be considered a case of disobedience on Mr. Brown's part especially as upon the Superintendent's visit a few months later he was told to have the pupils in question promoted at the end of the term rather than at that time, which was done. We may add that owing to the rather confused wording of the latter part of the Superintendent's letter of October 12th, a misunderstanding as to the meaning of it arose which was explained.

As to the charge against Mrs. Brown of insubordination at the time of being requested by Mr. Brodie the supervising principal to take a teacher's examination in School Laws then it looks somewhat more serious, and although we do not consider disobedience or insubordination at all lightly or as matters that should be tolerated or allowed to pass without notice we believe, however, that the offense was a culmination of the somewhat strained relations that have existed between Mrs. Brown and Supervising Principal during the few years, and existing not alone between them but between several others of the more important Principals of the Island. We find that the objection to the examination was particularly because it was believed to be an innovation not based upon nor to be found in the rules and regulations promulgated by the Department, and we are told that at least one of the prominent principals of the Island and Hilo teachers as well failed to submit to a requirement which they found objectionable and somewhat humiliating, and in connection with this incident we think it is fair also to mention that the Superintendent when asked if this examination was part of the rules and regulations of the Department curtly answered that he objected to being asked about it and that he had 170 odd schools to visit and had no time.

When referring to the dismissal of the Browns, we notice that the Department carefully avoids using the word dismissal and prefers to say that they were only not reappointed and we find that this is apparently done to evade the plain stipulation contained in the contract that a teacher enters into with the Department. It says explicitly that a teacher may be dis-

TERM OF CIRCUIT COURT WILL BEGIN TOMORROW

The July term of the Circuit Court will begin tomorrow, the grand jury being charged at 9:30 o'clock and the trial jury being required to be in attendance next Monday morning. There are a number of quite serious criminal matters to be heard, on which account the term will probably last unusually long. Following is the calendar as far as completed:

JURY WAIVED CASES.

1. (L 1315) Territory of Hawaii, by Arthur C. Wheeler, Acting Superintendent of Public Works, vs. Annie S. Knudsen, et al. Eminent Domain. L. M. Stainback, Esq., Attorney General, for plaintiff and petitioner. Thompson, Milverton and Cathcart, attorneys for Kekaha Sugar Co., Limited. Fear, Prosser, Anderson and Marx, attorneys for Ida K. von Holt and H. M. von Holt.
2. (L 1320) D. Wm. Dean, as Administrator of the Estate of Wong Hoy, deceased, vs. Y. Ihara. Assumpsit. Fred Patterson, Esq., attorney for plaintiff. A. G. Kaulukou, Esq., attorney for defendant.

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missed for cause after a hearing, and even may be dismissed when such dismissal will be for the benefit of the Department but again after a hearing.

The commonest criminal has such a fundamental right, but we find in this case that such a right has not been accorded the Browns.

It is claimed that they have on several occasions been warned, and we know of one instance some 2 years or more ago when such warning intimated that husband and wife might have to change places but with the exception of the instance where the Superintendent asserts that he in no uncertain manner explained what would happen if rules and regulations were not obeyed we have failed to find any evidence of any warnings and have heard of many expressions of unstinted approbation by the inspector, teachers and others of the splendid work they were doing in the school and of which the excellent showing of the school at the last examination is a further abundant proof.

Your Committee finds in the case of Mr. Brown that the charge against him is extremely trivial and that justice and fairness demand that he should be reinstated or given an equally important school if the Department feels that such a transfer is desirable.

"As to Mrs. Brown we find that her many years of unexampled devotion, zeal and ability devoted to teaching in this Territory entitle her to the greatest possible amount of consideration and that infractions of rules and regulations should be looked upon with a little more leniency than might be the case with one just entering the employ of the Department. In her case we believe that an apology for using the word "farce" at the time of the occurrence of the incident referred to should be deemed adequate and at all events we consider it her absolute right to be heard by the Commissioners in her defense."

Respectfully submitted,

T. BRANDT, chairman
A. H. WATERHOUSE
DR. K. HOFMANN

Lihue, Kauai, July 1, 1916.

Mr. Wishard moved that the report be adopted. Carried.

L. A. Dickey moved that the secretary send copies of the report to the superintendent and commissioners of education. Carried.

For the committee on legislation, Judge Dickey reported progress in the matter of plans to go before the next Legislature with amendments to the school system.

Mr. S. W. Wilcox moved that the report of the Brown committee be published in THE GARDEN ISLAND. Carried.

Mr. Wishard moved a vote of thanks to the committee. Carried.

THE GOVERNOR HAS SOMETHING TO SAY

The Governor has written the following letter to the Department of Education in regard to the Brown case:

June 20th, 1916.

Hon. Henry W. Kinney,
Superintendent of Public Instruction,
Honolulu, T. H.

Sir: I have before me a copy of your letter of June 26th addressed to the Education Committee of the Kauai Chamber of Commerce.

I have very carefully perused this letter and it meets with my hearty approval and the Commissioners Public Instruction and yourself, as Superintendent of Public Instruction, can reply on my official support.

The Legislature of the Territory of Hawaii has legislated such a form for the control of and administration of public instruction as it has deemed wise. It has designated those in whom it has confidence both as to devotion to the youth of the land, wisdom in their measures and fearlessness in their administration.

Any organization or organizations or any dissatisfied individual or individuals who attempt to force personal interests and override constituted authority embracing six members of high character and accomplishment are forgetful that they are encouraging the breaking down of as just and equitable authority as legislative bodies can provide.

In this case there is no injustice. No person or persons or their friends have a right to attempt to fix on the Territory a duty to provide livelihood other than as the legislature may in its wisdom prescribe.

This agitation has gone beyond the individual cases and now involves respect to constituted authority, and it will not ill serve the public if the public reflects on the consequences of agitation in behalf of personal preference rather than general principles and order.

Very respectfully,
L. E. PINKHAM,
Governor of Hawaii.

The Ommanneys Depart

Miss Katherine Ommanney and mother left Lihue by the Kinau Friday afternoon for their former home in Colorado. Miss Ommanney had been an instructor in the Kauai High & Grammar School for a year, but decided not to accept appointment in the Islands for another period. Both the young lady and mother are leaving many sincere friends and well-wishers behind here.